

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

HASSAN MARTIN,

*Plaintiff,*

v.

FAYETTE COUNTY PRISON and WARDEN  
JEFFREY A. MYERS,

*Defendants.*

Civil Action No. 2:19-cv-1233

Hon. William S. Stickman IV

**ORDER OF COURT**

*Pro se* Plaintiff Hassan Martin (“Martin”), an inmate currently confined at SCI Fayette, brings this action pursuant to 42 U.S.C. § 1983 against the Fayette County Prison (“FCP”) and Warden Jeffrey Myers (“Myers”). According to Martin, during his confinement at the FCP, his due process and Eighth Amendment rights were violated in an excessive force incident and by the conditions of his solitary confinement. (ECF No. 8). Martin has ignored Magistrate Judge Maureen P. Kelly’s orders directing he file a pre-trial statement and he has failed to respond to a Show Cause Order. (ECF Nos. 31 and 40). On February 2, 2021, Magistrate Judge Kelly issued a Report and Recommendation in which, after considering and weighing the *Poulis*<sup>1</sup> factors, she recommended the dismissal of the case with prejudice due to Martin’s failure to prosecute. (ECF No. 42). The parties were provided the opportunity to file objections by February 24, 2020.

No objections were filed. Therefore, the Court hereby ADOPTS Magistrate Judge Kelly’s Report and Recommendation as its Opinion.

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<sup>1</sup> In *Poulis v. State Farm Fire & Casualty Co.*, 747 F.2d 863 (3d Cir. 1984), the United States Court of Appeals for the Third Circuit set forth a six-factor balancing test to guide a district court in determining whether a case should be dismissed for failure to prosecute.

AND NOW, this 2<sup>nd</sup> day of March 2021, IT IS HEREBY ORDERED that this case is DISMISSED WITH PREJUDICE for failure to prosecute. The Clerk of Court is directed to mark this case CLOSED.

BY THE COURT:

s/ William S. Stickman IV  
WILLIAM S. STICKMAN IV  
UNITED STATES DISTRICT JUDGE